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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 RICHARD ALAN LACY,

Case No. 2:17-cv-01123-KJD-NJK

10 Plaintiff,

ORDER

11 v.

12 JAMES DZURENDA, et al.,

Defendants.

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14 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by  
15 a former state prisoner. On July 10, 2018, Defendants filed a motion to dismiss this action  
16 for Plaintiff's failure to notify this Court of his change of address. (ECF No. 11). On July  
17 20, 2018, this Court issued an order directing Plaintiff to file his updated address with this  
18 Court within thirty (30) days. (ECF No. 14). The thirty-day period has now expired, and  
19 Plaintiff has not filed his updated address or otherwise responded to the Court's order.

20 District courts have the inherent power to control their dockets and "[i]n the  
21 exercise of that power, they may impose sanctions including, where appropriate . . .  
22 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
23 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure  
24 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
25 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance  
26 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal  
27 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856  
28 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring  
*pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*  
2 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey  
5 a court order, or failure to comply with local rules, the court must consider several factors:  
6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in  
12 expeditiously resolving this litigation and the Court's interest in managing the docket,  
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
14 in favor of dismissal, since a presumption of injury arises from the occurrence of  
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy  
17 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor  
18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
19 the court's order will result in dismissal satisfies the "consideration of alternatives"  
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
21 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the  
22 Court within thirty (30) days expressly stated that, if Plaintiff failed to timely comply with  
23 its order for Plaintiff to update his address, the Court would dismiss this case. (ECF No.  
24 14 at 2). Thus, Plaintiff had adequate warning that dismissal would result from his  
25 noncompliance with the Court's order to file his updated address within thirty (30) days.

26 It is therefore ordered that this action is dismissed with prejudice based on  
27 Plaintiff's failure to file an updated address in compliance with this Court's July 20, 2018  
28 order.

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It is further ordered that the motion for leave to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

It is further ordered that the Clerk of Court shall enter judgment accordingly.

DATED: September 14, 2018



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UNITED STATES DISTRICT JUDGE